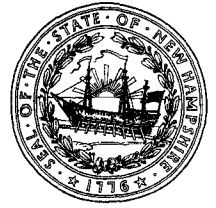




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

August 18, 2006

LETTER OF DEFICIENCY #WSEB 06-095

Certified Mail #7099 3400 0003 6156 4395

David Sherwood
Equity Residential
Wellington Hill Apartments
501 Wellington Road
Manchester, NH 03104

Subject: Manchester - Public Water System: Wellington Hill Apartments (EPA# 1472010)

Dear Mr. Sherwood:

The records of the NH Department of Environmental Services (DES) show that the Wellington Hill Apartments water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the owner of the water system is required to comply with NH Administrative Rule Env-Ws 300, *New Hampshire Drinking Water Rules*.

PERMIT TO OPERATE

Pursuant to Env-Ws 303.03, the water system owner is required to obtain a "permit to operate" from DES. This permit must be renewed by July 1st of each year.

According to Env-Ws 303.03(e) the permit to operate for community water systems is calculated at \$10 per service connection or household equivalent, to a maximum of \$300.00. DES records show that the PWS has failed to pay for and obtain a permit to operate for state fiscal year 2007, which began July 1, 2006, and is, therefore, in violation of Env-Ws 303.03.

DES believes the permit to operate violation can be corrected by taking the following action:

1. **By September 1, 2006, complete the permit application, make any necessary corrections to the "Contact Information Report," and pay the outstanding permit to operate fee of \$300.00 for state fiscal year 2007.**

For your convenience, a new permit application and Contact Information Report are enclosed. **Please review both documents, make any necessary corrections, and sign the application.** Checks should be made payable to "Treasurer, State of New Hampshire." Please include your system's EPA number on the check. Please contact Linda Thompson at (603) 271-3544 or by email at lthompson@des.state.nh.us, if you have any questions regarding the permit to operate renewal process.

SANITARY SURVEY

Pursuant to NH Admin. Rule Env-Ws 306, PWSs are subject to periodic inspections or sanitary surveys by DES staff. The purpose of the sanitary survey is to evaluate the adequacy of source(s), storage facilities, equipment, operation, and maintenance to produce and distribute safe drinking water. Pursuant to Env-Ws 360.10, a PWS owner is required to promptly repair and fully maintain the operational readiness of the water system.

On April 13, 2006, personnel from DES conducted a sanitary survey of the subject water system. The sanitary survey report, dated April 26, 2006, identified deficiencies found during the sanitary survey, required that the deficiencies be promptly corrected, and specified that DES be notified when the corrections had been completed.

To date, DES has not received any correspondence indicating that the sanitary survey deficiencies have been corrected, thus placing the water system in violation of Env-Ws 360.10 and the specific citations noted below.

1. Booster Pump (Env-Ws 306.02(b)(2)).

The current arrangement of booster pumps and pressure storage capacity does not allow for proper cycling of the pumps which may lead to premature failure and system disruption.

2. Emergency Response Plan (Env-Ws 306.02(c)(5)).

The water system owner was required to submit an Emergency Plan to DES by December 31, 2005, and was reminded of the failure to do so during the April 13, 2006 Sanitary Survey.

DES believes that the sanitary survey deficiencies can be resolved by taking the following action(s):

A. If the sanitary survey deficiencies have already been corrected:

1. **By September 8, 2006**, provide DES with documentation that the sanitary survey deficiencies have been corrected.

B. If the sanitary survey deficiencies have not been corrected:

1. **By October 15, 2006**, correct the deficiencies described above; and
2. **By October 22, 2006**, provide DES with documentation that the sanitary survey deficiencies have been corrected.

Please contact Wade Pelham at (603) 271-3906 or by e-mail at wpelham@des.state.nh.us, if you have any questions regarding the noted deficiencies. Should you have any questions regarding the preparation and submission of the emergency plan, please contact Johnna Mckenna at (603) 271-7017 or by email at jmckenna@des.state.nh.us. Emergency Plan guidance documents and instructions, along with information for free, on-site assistance are available at:
<http://www.des.state.nh.us/wseb/EmergencyPlanning/index.asp>.

In the event compliance is not achieved within these time periods, DES may initiate formal action against the system, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

All the above requested information should be addressed as follows or faxed to (603) 271-5171:

Emily Jones
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

If you have any questions regarding this letter, please contact Emily Jones at (603) 271-0659 or by email at ejones@des.state.nh.us.

Sincerely,

COPY

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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Encl: Permit to Operate Application and Contact Information Report
Sanitary Survey Deficiency Report dated 4/26/06

cc: Shannon Morin, Primary Operator

cc w/out encl: ✓ Gretchen R. Hamel, DES Legal Unit Administrator
EPA, Region 1
Fred Rusczek, Manchester Health Officer

ec: Linda Thompson DES/WSEB
Wade Pelham, DES/WSEB
Johnna Mckenna, DES/WSEB